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PATENT
Att'y Dkt: 11884/406701**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Thomas M. SCHAUB, et al.

Serial No.: 10/743,143

Filed: December 23, 2003

For: Enterprise Management Application
Providing Availability Control Checks on
Revenue Budgets

Examiner: Carol A. See

Art Unit: 3696

Confirmation No.: 7478

DECLARATION OF THOMAS SCHAUB, ANDREAS SCHAEFER, AND HORST SCHNOERER

We, Dr. Thomas Schaub, Andreas Schaefer, and Horst Schnoerer, individually and collectively declare as follows:

1. We are the inventors of the above-referenced patent application currently pending before the United States Patent and Trademark Office. We are informed that the application currently contains claims 6-7, 10-13, 15-19, and 21, with claims 6, 10, and 16 being independent claims, all of which are rejected as anticipated or obvious over SAPR3 (www.sap.com, 2003), which has a publishing date of June, 2003. We understand SAPR3 is being used as prior art under 35 U.S.C. § 102 (a).

2. We conceived of the subject matter recited in the pending claims of this application prior to June 2003. Evidence of this fact is shown in attached Exhibits A, B and C. Exhibit A is a presentation describing a design of availability control on revenue that was available on November 28, 2002. Exhibit A illustrates a design for the subject matter recited in the pending claims. See for example slide 2 of Exhibit A which discusses the subject matter of the claimed invention. Exhibit B is a screen shot illustrating that the presentation of Exhibit A was available on November 28, 2002. Exhibit C is further evidence of the date of the design. Exhibit C was written in December 12, 2002, and is an invitation to a design meeting for availability controls on revenue.

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3. A working prototype of the subject matter recited in the pending claims was operational by at least January 16, 2003. The working prototype included the functionality of the present application. Exhibit D is an email dated January 23, 2003, sent from Dr. Thomas Schaub to SAP colleagues Juan Gullas and Gerardo Kobeh. The email includes an email sent on January 16, 2003, in which Dr. Schaub stated he had completed a working prototype. And the email of January 23, 2003, included a document describing the working prototype, "Implementation of Availability Control on Revenues", which is included as Exhibit E. The "Overview of the Implementation" section of Exhibit E illustrates that the subject matter of independent claims 6, 7, 10, and 16 of the pending application is part of the working prototype.

4. We exercised diligence in the completion of the invention between the dates of conception at least November 28, 2002, and reduction to practice, at least January 16, 2003, as identified above.

I, Dr. Thomas Schaub, declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true and that all statements made herein are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Date:

Dr. Thomas Schaub

I, Andreas Schaefer, declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true and that all statements made herein are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Date: 29.08.2008
(August 29, 2008)

Andreas Schaefer

I, Horst Schnoerer, declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true and that all statements made herein are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Date:

Horst Schnoerer